

GUIDELINE C-5
(formerly 14-06)

**Registration on Title of Certificates of Approval
for Waste Disposal Sites**

Legislative Authority:

*Environmental Protection Act, RSO 1990, Part V,
Sections 19 and 27, Part XVII, Section 197*

Responsible Director:

Director, Program Development Branch

Last Revision Date:

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SYNOPSIS

The primary purpose of this guideline is to ensure that members of the public have access to information about municipally or privately-owned lands used for waste disposal sites. The guideline covers the registration on title of Certificates of Approval and Provisional Certificates of Approval for existing and new waste disposal sites in which waste is disposed on or in the ground, other than soil conditioning sites.

The guideline will be enforced by placing conditions on applicable Certificates of Approval.

1.0 Objective

This guideline is designed to ensure that members of the public have access to information about municipally or privately-owned land used for waste disposal sites which pose potential hazards.

1.1 Present or Future Disposal Sites

This guideline applies to all existing and new waste disposal sites in which waste is disposed on or in the ground (other than soil conditioning sites).

1.2 Past Disposal Sites

This guideline does not apply to abandoned waste disposal sites (certified or uncertified) unless specific safety hazards noted in Section 2, below, have been identified.

1.3 Sites on Unpatented Crown Land

This guideline does not apply to sites located on unpatented Crown land. Policy LM7.04.01 of the Ministry of Natural Resources requires MNR District Managers to advise the MOEE of the location of all existing and closed waste disposal sites on public lands and to ensure that the identified areas are marked on all pertinent maps.

2.0 Potential Hazards from Waste Disposal Sites

Potential hazards associated with waste disposal sites include:

- (a) contamination of ground and surface water;
- (b) methane gas production and migration;

- (c) leachate (liquid) production and migration;
- (d) land subsidence due to waste settling and decomposition; and
- (e) other hazards.

3.0 Registration on Title

Requirements imposed by a Director upon any waste disposal site as conditions in a Certificate or Provisional Certificate of Approval become part of the Certificate or Provisional Certificate of Approval.

3.1 Section 19(1) EP Act

Conditions in a Certificate of Approval bind the successor or assignee of the interest in the land.

3.2 Registration

Registration on title shall be implemented by the Director requiring the Certificate holder to follow the appropriate registry procedure of either:

- (a) *The Land Titles Act*; or
- (b) *The Registry Act*.

3.3 Section 197, EP Act

A control document affecting land can require that the land not be sold unless the purchaser is first notified of the problem by being given a copy of the control document; such a requirement can be registered on title (a form to be used for such registration has been prescribed by O. Reg. 14/92 and O. Reg. 15/92 of the *EP Act* and *Ontario Water Resources Act*, respectively); a purchaser of land can void the purchase if the purchaser was not given a copy of the control document as required (*EP Act*, Section 197). [Note: The requirement that land not be sold without a warning would not be effective when the land is owned by a corporation and a new owner buys the shares of the corporation; presumably, persons conducting business such as this can protect themselves.]

4.0 Buffer Zones

The following provisions shall apply to buffer zones surrounding waste disposal sites.

4.1 Operating Waste Disposal Sites

Registration on title of buffer zones shall be required for all buffer zones owned by the owner or operator of the waste disposal

site. Where buffer zones are not owned by the owner or operator of the site, the owner or operator of the site shall be required by the Director to carry out a study of the potential hazards and implement remedial measures.

4.2 New Waste Disposal Sites

The buffer zones for all new waste disposal sites shall be owned by the owner or operator of the site and shall be registered on title as in Section 3 above prior to certification. Other registered interests in land intended for buffer zones, such as easements, may be sufficient in some cases in place of ownership.

5.0 Abandoned Waste Disposal Sites

When potential hazards noted under Section 2 above have been identified at abandoned waste disposal sites, the following measures may be employed to notify the public of the hazards:

5.1 Director's Actions

The Director may

- (a) issue an order and require registration on title as in Section 3 above; or
- (b) encourage the municipality to take appropriate steps with respect to official plans, restricted area (zoning) by-laws, subdivision controls and severance controls; or
- (c) offer advice on remedial measures to property owners.

5.2 Municipalities' Actions

Municipalities may control potential hazards by invoking the measures under Section 5.1(b) and (c) above, or by municipal ownership of the property.